IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 5572 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE M.S.SHAH

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

VADHWAN GYMKHANA, VADHWAN

Versus

STATE OF GUJARAT

Appearance:

MR HD VASAVADA for Petitioner

GOVERNMENT PLEADER for Respondent No. 1, 2, 3

CORAM : MR.JUSTICE M.S.SHAH

Date of decision: 08/08/2000

ORAL JUDGEMENT

Rule. Heard Mr.H.S.Vasavada for petitioner. Mr.K.T.Dave, Learned Govt.Pleader waives service of rule on behalf of respondents.

2. On behalf of the petitioner reliance is placed on order, dated 19.11.1999 passed by this Court in Special Civil Application No.9578/98. There is no reason why similar order should not be passed in this petition also.

3. Having heard the learned advocates representing the parties and on going through the materials on record it is crystal clear that whenever in any premises illegal activities are being carried out the respondents have a right to, of course, wherever necessary taking the necessary order from the Court, enter into the premises and curb the activities being carried on illegally, but if the premises are being used legally, the authority can not obstruct the person using and occupying the premises and carryinjg on the legal activities in the premises. If rummy is being played, that being permissible game the petitioner can not be obstructed from permitting its members to play rummy in the premises.

4. In view of the matter, the petition is allowed and it is hereby directed that respondents shall not interfere with or obstruct the game of rummy being played by the members of the petitioner club in the club premises, making it clear that it would be open to the respondents to take appropriate action according to law, even, if necessary, by entering into the premises if it is found that the petitioner's premises are being used by any of the members for the activities which are illegal or objectionable in law. Rule is accordingly made absolute. No order as to costs. Direct Service is permitted.

8.8.2000 (M.S.SHAH,J)